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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,076	09/12/2003	Michael Fischer	1163.1101101	9793

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EXAMINER

MILLER, WILLIAM L

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 01/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/662,076

Applicant(s)

FISCHER, MICHAEL

Examiner

William L. Miller

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-24 and 29 is/are allowed.
- 6) ☒ Claim(s) 25-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 01222004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 1, 13, 25, and 29 are objected to because of the following informalities: claim 1, line 8, before “shaft” insert --tubular--; claim 13, line 8, before “shaft” insert --tubular--; claim 25, line 3, before “urn” insert --cremation--; and claim 29, line 3, before “urn” insert --cremation--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 25 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by “Double Companion Memorial” (hereinafter “DCM”).

4. Regarding claim 25, DCM discloses a system for displaying a cremation urn, comprising: a mineral slab (natural stone base) having an upper surface and a bottom surface; an urn assembly secured to and extending at least in part below the bottom surface of the mineral slab; and display means, namely the ground, for supporting the urn assembly and mineral slab in an upright and angled position (angled 90 degrees with respect to the horizontal).

5. Regarding claim 26, the urn assembly includes a container body (cylinder portion), a neck portion (flanged top), and an inherent lid (structure enclosing remains with urn).

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6. Claims 25 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Wood et al. (US#6389664).

7. Regarding claim 25, Wood discloses a system for displaying a cremation urn, comprising: a mineral (stone) slab 14 having an upper surface and a bottom surface; an urn assembly 20 secured to and extending at least in part below the bottom surface of the mineral slab; and display means, namely the ground, for supporting the urn assembly and mineral slab in an upright and angled position (angled 90 degrees with respect to the horizontal).

8. Regarding claim 26, the urn assembly includes a container body 22, a neck portion 22b, and lid 30.

9. Claims 25, 27, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Allen et al. (US#5172457).

10. Regarding claim 25, Allen discloses a system for displaying a cremation urn, comprising: a slab 12 having an upper surface and a bottom surface; an urn assembly 14 secured to and extending at least in part below the bottom surface of the mineral slab; and display means 16 for supporting the urn assembly and slab in an upright and angled position (angled 90 degrees with respect to the horizontal).

11. Regarding claim 25, Allen discloses the slab is bronze or brass as opposed to a mineral material as claimed by the applicant. However, mineral materials (stone), bronze, and brass are known art recognized material equivalents as evidenced by Jackson (US#5379499) (col. 4, lines 55-59). Therefore, as evidenced by Jackson, it would have been an obvious design choice to modify Allen such that the slab and/or urn was fabricated of mineral materials as the selection of

a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960).

12. Regarding claims 27 and 28, the display means is a display stand having support legs 18 and 20.

Allowable Subject Matter

13. Claims 1-24 and 29 are allowed.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Miller whose telephone number is 703 305 3978. The examiner can normally be reached on Tuesday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703 306 4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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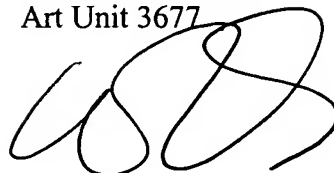
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William L. Miller

Primary Examiner

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A handwritten signature in black ink, consisting of a series of loops and curves, positioned below the printed name and title.

WLM

01-27-2005